



Development Services Department
Environmental Coordinator
450 110th Avenue NE
Bellevue, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPOSAL NAME:	Seattle Boat Fuel Tank Replacement
LOCATION:	3911 Lake Washington Blvd. SE
FILE NUMBERS:	20-123606-WG
PROPONENT:	Troy Hussing, Ecco Design
DESCRIPTION OF PROPOSAL: Proposal to decommission two existing 5,000 gallon fuel tanks currently located in a below grade vault with a new above-grade 12,000 gallon fuel tank located over the existing vault.	

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision.

DATE ISSUED: 5/20/2021

APPEAL DATE: 6/3/2021

A written appeal must be filed in the City Clerk's Office by 5 p.m. on the appeal date noted above.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project) or if the DNS was procured by misrepresentation or lack of material disclosure.

Issued By: *Heidi Bedwell, Planning Manager* **for** **Date:** May 20, 2021
Elizabeth Stead, Environmental Coordinator
Development Services Department



City of Bellevue
Development Services Department
Land Use Staff Report

Date of Receipt by Ecology:

**SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

File Number:	20-123606-WG
Proposal Name:	Seattle Boat Lot 6 Boat Storage
Proposal Address and Location:	3911 Lake Washington Blvd. SE, 08/24N/05E
Water Body:	Lake Washington
Shoreline Environment Designation:	Recreational Boating
Proposal Description:	Land Use review of a Shoreline Substantial Development Permit for Seattle Boat to replace existing fuel tanks associated with their marina. Two 5,000 gallon fuel tanks are currently located in a below grade vault which is proposed to be decommissioned. A new single 12,000 gallon fuel tank is proposed above grade, over the existing vault, and will use the existing fuel line connections. A solid wood screening fence exceeding eleven feet tall is proposed around the fuel tank facility.
Applicant: <input type="checkbox"/> Applicant owns property	Alan Bohling, Seattle Boat, 3911 Lake Washington Blvd. SE, Bellevue, WA, alan@seattleboat.com
Applicant Representative:	Troy Hussing, Ecco Design, 7413 Greenwood Avenue N, Seattle, WA, 206-547-8233, michael@krannitzkent.com
Application Date:	December 24, 2020
Notice of Application Date:	January 28, 2021
Notice of Decision Date:	May 20, 2021

SEPA Determination:

Determination of Non-Significance

SEPA Appeal Deadline:

June 3, 2021

By: Heidi Bedwell, Planning Manager for
Elizabeth Stead, Environmental Coordinator
Development Services Department

Decision on SSDP:

Approval with Conditions

Michael A. Brennan, Director
Development Services Department

By: Reilly Pittman, Land Use Planner for
Reilly Pittman, Land Use Planner

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C) (D).

CONTENTS

I.	Proposal Description.....	Pg 3-4
II.	Site Description, Zoning, Land Use, Shoreline Environment and Functions.....	Pg 4-6
III.	Consistency with Land Use Code Requirements.....	Pg 6-7
IV.	Public Notice & Comment.....	Pg 7
V.	Summary of Technical Review.....	Pg 7
VI.	State Environmental Policy Act.....	Pg 7-8
VII.	Changes to Proposal Due to Staff Review.....	Pg 8
VIII.	Decision Criteria.....	Pg 8-9
IX.	Conclusion and Decision.....	Pg 9-10
X.	Conditions of Approval.....	Pg 10

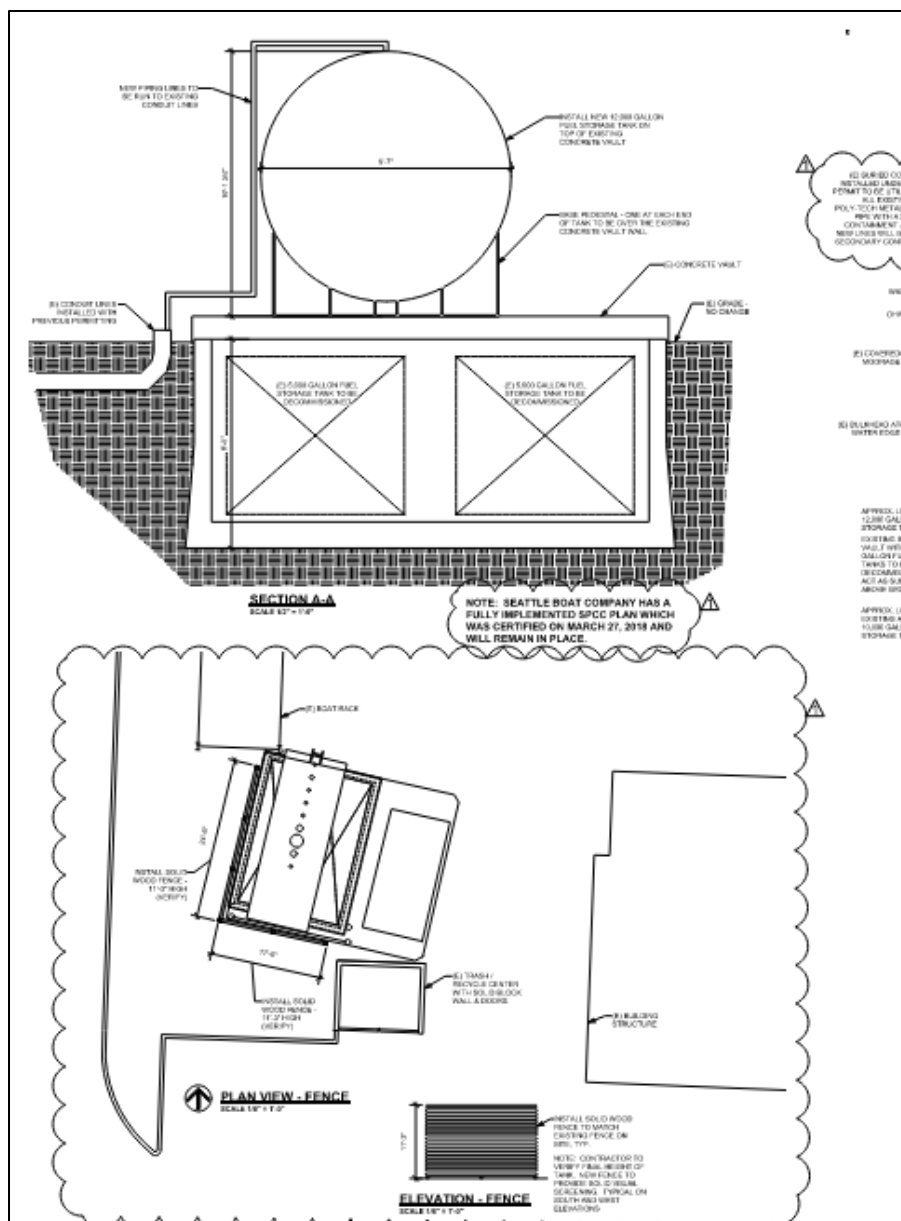
Attachments to this Decision

Project Plans

SEPA Determination of Non-Significance

See project file for all submitted documents and forms.

Seattle Boat proposes to decommission in place two 5,000 gallon fuel tanks currently located in a below grade vault and replace these with a new single 12,000 gallon above-grade fuel tank located over the existing vault. The new facility is proposed to be screened by existing landscaping and a new solid fence that will exceed eleven feet tall. Fueling is allowed as an accessory use to the marina use approved by prior Shoreline Conditional Use. This proposal is exempt from a new Shoreline Conditional Use Permit as it is a minor expansion of an existing marina under LUC 20.25E.070.C, but the proposed fuel tank does require a Shoreline Substantial Development Permit based on the cost of the proposed improvement. **See Attachment 1 for project plans and Figure 1 below for the proposed fuel tank and site proximity.**

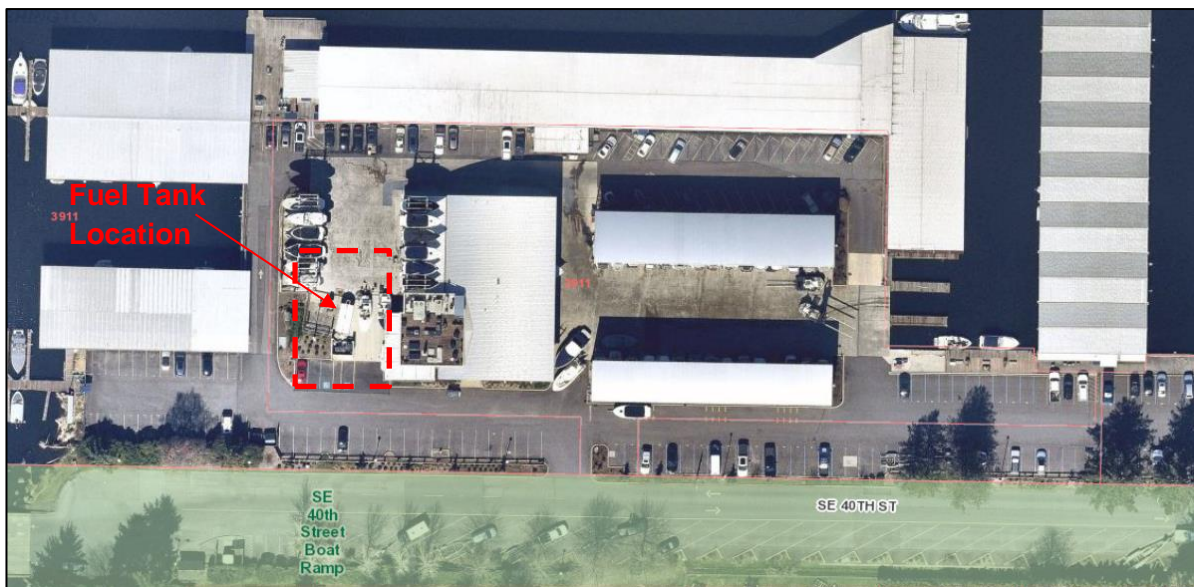


II. Site Description, Zoning, Land Use Context, and Shoreline Environment and Functions

A. Site Description

The site is located on SE 40th Street and is one of two parcels associated with the Seattle Boat retail, storage, and marina facility that is adjacent to the Newport Yacht Basin marina. The Seattle Boat facility was approved in 2008 through a Shoreline Conditional Use Permit and Substantial Development Permit. The fuel tank location is located on the western parcel which paved and primarily used as parking and boat storage. This parcel is within 200 feet of Lake Washington and the shoreline frontage is developed with a marina use. **See Figure 2 for current site condition.**

Figure 2



B. Zoning and Land Use Context

The property is zoned R-2.5 a single-family residential zoning district and is located in the Shoreline Overlay District (LUC 20.25E). Surrounding properties are also zoned R-2.5 and are either developed with public and private marina and recreation uses or are undeveloped. The property has a Comprehensive Plan Land Use Designation of SF-M (Single Family Medium Density). The project is consistent with this zoning, overlay, and land use designation.

C. Shoreline Environment and Functions

The site is in the Recreational Boating shoreline environment designation. Per LUC 20.25E.010, the Recreational Boating environment is associated with recreation on the shoreline and supports marinas, water oriented or dependent recreation, and public access.

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment

delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996). Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

The proposal generally conforms to the zoning requirements of LUC 20.20.010 and 20.25E.050 but conformance is required to be verified as part of future building permit review. The proposed screening fence is taller than eight feet and requires building permit approval. Any landscaping removed by installation of the fence or tank is required to be replaced and shown on the plans submitted with the building permit. **See Conditions of Approval regarding building permit submittal in Section X of this report.**

B. Shoreline Overlay District LUC 20.25E:

The site within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark of shorelines identified in LUC 20.25E and the City's Shoreline Master Program. The Shoreline Overlay District regulations (LUC 20.25E) allow fueling associated with approved marina uses provided the applicable performance standards in LUC 20.25E are met.

i. Consistency with LUC 20.25E.070.C.4.b

The proposal conforms to requirements for fuel tanks in the shoreline jurisdiction and qualifies as a minor expansion of a recreational facility. The tank is replacing the tanks at the existing location and is located as far from the water as possible. The tank will comply with all fueling regulations and is not located over water. The proposal incorporates the existing spill prevention plan that was certified on March 27, 2018 that will continue. The proposal maintains existing fueling functions, location, consistency with prior approvals, and does not prevent shoreline access. The proposed fuel tank will be screened by a new solid wood fence that exceeds eleven feet in height in order to be taller than the fuel tank being screened. This fence will maintain the visual quality of the shoreline viewed from the surrounding neighborhood.

IV. Public Notice and Comment

Application Date:	December 24, 2020
Public Notice Date:	January 28, 2021
30-Day Comment Period End:	March 1, 2021

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on January 28, 2021. It was mailed to property owners within 500 feet of the project site. Comments were received from the Department of Fish and Wildlife regarding protection of fuel lines and spill prevention and these were addressed by the applicant. The fuel lines will comply with protective wrapping requirements and the site has an existing spill prevention plan that will continue.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from the proposed construction. The proposal is subject to applicable construction best management practices and requirements as required by clearing and grading review.

B. Animals

Chinook salmon, Coho salmon, bull trout, and steelhead are found in Lake Washington however there is no work in the water proposed and no work proposed in any critical area or buffer. Provided that it meets City standards, the proposed fuel tank is allowed.

C. Plants

No vegetation is proposed to be removed by the proposal. If any existing landscaping that screens the facility is removed by construction, it must be replaced. **See Conditions of**

Approval regarding building permit submittal in Section X of this report.

VII. Changes to Proposal Due to Staff Review

Staff requested the plans show proposed screening around the fuel tank to comply with LUC 20.25E.070.C.4.b. The applicant provided a solid fence around the fuel tank to screen the tank from the street and adjacent property. The fence is shown on the approved plans and as previously noted in this report the fence requires a building permit. **See Conditions of Approval regarding building permit submittal in Section X of this report.**

VIII. Decision Criteria

LUC 20.25E.160.D Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications a Shoreline Substantial Development Permit if:

1. The proposal is consistent with the policies and procedures of the Shoreline Management Act;

Finding: As evaluated the proposal is consistent with applicable policies and procedures of the Shoreline Management Act (SMA). The SMA includes broad policies that give priority to water-dependent uses and activities and this proposal maintains approved boat storage uses and improves the site design to be more aesthetically compatible with the other uses. residences are specifically identified as a preferred use.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC;

Finding: The proposal is consistent with 173-27 WAC. The proposal does not qualify for a listed exemption from a shoreline substantial development permit in 173-27-040 and the subject shoreline permit is required for the proposal to proceed. The permit was noticed and has followed the review process described in 173-27 WAC.

3. The proposal is consistent with the SMP;

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

4. The proposal will be served by adequate public facilities including streets, fire protection, and utilities;

Finding: The proposal does not alter existing service of public facilities to the property.

5. The proposal is consistent with the Bellevue Comprehensive Plan;

Finding: As described in Section II of this report the proposal is consistent with the City's Comprehensive Plan. Specifically, the proposal is consistent with Shoreline

Management Goal 4 to increase and encourage water-enjoyment recreation for the public on the city's shorelines when appropriate and consistent with the public interest.

The proposal is consistent with the City of Bellevue Shoreline Comprehensive Plan policies SH 13 and SH-53.

POLICY SH-13. *Give priority to water-dependent uses. Do not allow non water-oriented uses except as accessory to marinas, yacht clubs, and community clubs where such uses do not conflict with or limit opportunities for water-oriented uses, or where direct access to the shoreline is not available.*

POLICH SH-53. *Restrict recreational development to water-oriented uses. Allow limited non-water-oriented recreation and commercial uses in support of a water-oriented recreation.*

The proposal to replace the existing fueling function of the marina will ensure that this continues to be a consolidated location for water-dependending activity and is consistent with the goal to allow water oriented and dependent activities such as marinas within the Recreational Boating shoreline designation.

6. The proposal complies with applicable requirements of the Bellevue City Code.

Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposed fuel storage tank replacement for the Seattle Boat facility on the property at 3911 Lake Washington Blvd. SE. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A building permit or other construction permit is required, and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.25E.250, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to commence construction, use, or activity granted by the shoreline permit within two years of the effective date of the permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250. Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities – BCC Title 24	Jeremy Rosenlund, 425-452-7683
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit Required:** Approval of this Shoreline Substantial Development Permit does not constitute an approval of a building permit. Application for a building permit must be submitted and approved. Plans submitted as part of the building permit application shall be consistent with the activity permitted under this approval. Any landscaping removed by the proposal shall be shown and replaced on the plans submitted under this permit.

Authority: Land Use Code 20.20; Bellevue City Code 23.76.035

Reviewer: Reilly Pittman, Development Services Department

- 2. Clearing and Grading Permit Required:** Approval of this Shoreline Development Permit does not constitute an approval of any construction permit. A Clearing and Grading review of the building permit is required, and approval must be granted before construction can begin. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval.

Authority: Bellevue City Code 23.76.035

Reviewer: Savina Uzunow, Development Services Department

- 3. Rainy Season Restrictions:** Due to lake proximity, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion, and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,

Reviewer: Savina Uzunow, Development Services Department